

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DANNY CHAVES,

Plaintiff,

v.

HEATHER SHIRLEY, J. CRONJAGER,
and SCOTT DEGOUGH,

Defendants.

Case No. 1:23-cv-0514 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 14)

Danny Chaves initiated this action along with 16 other inmates by filing a civil rights complaint under 42 U.S.C. § 1983. (*See Ricky L. Thomas et al. v. Shirley, et al.*, Case No. 1:23-cv-00470-BAM, Doc. No. 1.) The Court severed the claims and ordered each plaintiff, including Chaves, to submit his or her own signed complaint and pay the \$402.00 filing fee or apply to proceed *in forma pauperis* under in this civil rights action filed pursuant to 42 U.S.C. § 1983. (Doc. 1.) Plaintiff filed his own civil rights complaint under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The Court found the complaint failed to allege sufficient facts to show the Eastern District of California is the proper venue for his claims, because Plaintiff did not clearly identify the institution where the underlying events occurred. (*Id.* at 3-4.) The magistrate judge also found the facts alleged were insufficient to demonstrate the defendants were liable for violations of Plaintiff's constitutional rights. (*Id.* at 4.) The magistrate judge ordered Plaintiff to file an

1 amended complaint, file a notice that he wanted to stand on the allegations in his complaint, or
2 file a notice of voluntary dismissal. (*Id.* at 5.)

3 After Plaintiff failed to file an amended complaint or take any other action in response to
4 the Court's order, the magistrate judge found Plaintiff failed to prosecute this action and failed to
5 comply with the Court's order. (Doc. 14 at 2.) Therefore, the magistrate judge recommended the
6 action be dismissed without prejudice. (*Id.* at 5.) The Court served the Findings and
7 Recommendations on Plaintiff and notified him that any objections must be filed within 14 days
8 of the date of service. (*Id.* at 5.) In addition, the Court informed Plaintiff that the "failure to file
9 objections within the specified time may result in waiver of his rights on appeal." (*Id.*, citing
10 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file any objections
11 and the time to do so has expired.

12 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of the case.
13 Having carefully reviewed the matter, the Court finds the Findings and Recommendations are
14 supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 15 1. The Findings and Recommendations filed on August 29, 2023 (Doc. 14) are
16 **ADOPTED** in full.
- 17 2. The Clerk of Court is directed to close this case.

18
19 IT IS SO ORDERED.

20 Dated: **October 3, 2023**


UNITED STATES DISTRICT JUDGE